

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER
THURSDAY, JULY 31 , 2008, 1:00 P.M.**

CALL TO ORDER

Pat Haukohl, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:	Pat Haukohl	Gary Goodchild	Jim Siepmann
	Walter Kolb	Bonnie Morris	Walter Baade

Commission

Members Absent: William Mitchell

Staff

Members Present: Richard L. Mace, Planning and Zoning Division Manager
Elfriede Sprague, Clerk III

Guests Present:	Jaqui Krueger	Ron Gasser	Linda Sallmann
	Dave Trost	Robert Harroun	

CORRESPONDENCE: None.

MEETING APPROVAL: None

MINUTES:

Mrs. Morris moved, seconded by Mr. Kolb, and carried unanimously for approval of the July 17, 2008, Minutes as amended.

PUBLIC COMMENT

Chairperson Haukohl asked if anyone from the audience wished to address the Commission? There being none, she moved to the next item on the agenda.

Mrs. Haukohl requested permission from the Commission to hear several agenda items out of sequence to allow any persons present to have their cases heard. This would allow the Commission to adjourn at 1:30 p.m. to attend Mr. George Morris's retirement gathering and reconvene at 2:00 p.m. It was agreed to do so.

SCHEDULED MATTER: None

• **CU-1284B (Mark Cartwright) Town of Vernon, Section 25**

Mr. Mace presented the "Staff Report and Recommendation" dated July 31, 2008, and made a part of these Minutes. He pointed out the location of the property in the Town of Vernon and stated the petitioner is requesting to amend the conditions of approval of a Conditional Use Permit, which allowed a proposed land division, the construction of a salt storage building, an equipment storage building and the installation of a fuel tank. He stated Mr. Cartwright is looking for some relief in the wording of the conditions imposed upon him. His primary objective is to complete the proposed land division as quickly as possible to build a residence for his daughter and proceed with the construction of the salt storage and cold storage buildings later.

The Planning and Zoning Division Staff has contacted the Town of Vernon Planner and Attorney and they advised that the Town of Vernon Plan Commission's conditions were worded in such a way that Mr. Cartwright will be able to proceed with the land division prior to the construction of said buildings, and comply with the other conditions relating to the buildings at a later date.

In order to allow Mr. Cartwright to proceed with the land division, the Planning and Zoning Division Staff recommend that Condition No. 11 and Condition No. 13 of his Conditional Use approval be amended to allow him to create the two parcels without the salt shed.

After discussion, Mrs. Morris moved, seconded by Mr. Siepmann and carried unanimously for approval, to amend the conditions of his previous approval, in accordance with the "Staff Memorandum". The approval of this request, will allow the petitioner a reasonable use of his land and meets the intent and purposes of all County Ordinances.

• **CU-1487 (Ryan and Jacqui Krueger) Town of Vernon, Section 17**

Mr. Mace presented the "Staff Report and Recommendation" dated July 31, 2008, and made a part of these Minutes. He pointed out the location of the property on the south side of C.T.H. "ES" and south of Morningstar Golf Course in the Town of Vernon on the aerial photograph and stated the petitioner is requesting approval for earth-altering activities in conjunction with the construction of a single-family residence and attached garage. He explained that due to the steep topography, seasonal high water conditions and the proposed home design, the petitioners are proposing to modify the grades to a greater extent than what is allowed without a Conditional Use Permit. The property will be accessed by a shared driveway. Mrs. Haukohl asked if there was a Shared Driveway Agreement. Mrs. Krueger replied, "Yes, there is". She asked how much higher than the original grade would the house be? Mr. Mace replied, "Only about three to 5 feet".

After discussion, Mr. Baade moved, seconded by Mr. Kolb and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **ZT-1237E (Jocelyn Hallen) Town of Waukesha, Section 15 Amend Exhibit "A", paragraph "a" of the Town of Waukesha Rezoning Ordinance dated October 21, 1998 regarding a common driveway**

Mr. Mace presented the "Staff Report and Recommendation" dated July 31, 2008, and made a part of these Minutes. He pointed out the location of the properties at S31 W24741 Sunset Dr., S31 W24757 Sunset Dr. and W247 S3114 Prairie Ave. in the Town of Waukesha on the aerial photograph.

Mr. Mace explained the original rezone was a large project that included these three adjacent residential properties. Since that time, the western most property has become a medical clinic. A condition of the original rezone required a shared driveway be placed along the common boundary line between the easterly most lot and an adjacent parcel. The petitioner is now requesting that this condition be amended to allow the shared access to be relocated to the common lot line between the two residential parcels allowing direct access to Sunset Dr. The net result would be the removal of two separate driveway openings and the creation of one single driveway opening to serve the two subject parcels. Mrs. Haukohl asked if a driveway agreement is being required? Mr. Mace replied the Town Minutes mention a discussion regarding one and it is the Town's responsibility to require one. It is a condition of the Town's most recent amendment.

After discussion, Mr. Kolb moved, seconded by Mr. Baade and carried unanimously for approval, to amend Exhibit "A", paragraph "a" of the Town of Waukesha Rezoning Ordinance dated October 21, 1998 regarding a common driveway in accordance with the "Staff Report and Recommendation" and as conditioned by the Town of Waukesha's amending Ordinance. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **SCS-1073 (Linda and Ron Sallmann) Town of Ottawa, Sections 29 and 32**

Mr. Mace presented the "Staff Report and Recommendation" dated July 31, 2008, and made a part of these Minutes. He pointed out the location of the property at W381 S5357 C.T.H. "ZC", in the Town of Ottawa and stated the petitioner is requesting approval to divide an existing "flag" lot into two "flag" lots.

Mr. Goodchild explained the petitioners have worked very closely with the Town of Ottawa for the development of this parcel as a Certified Survey Map (CSM). A restriction will be placed on the CSM stating that the two lots cannot be further divided. Each lot will have ingress/egress via a shared driveway. A "Driveway Maintenance Agreement" is being required and each lot owner will own 33 ft. of the 66 ft. driveway. There will be Wetland and Primary Environmental Corridor restrictions placed on the CSM to protect the sensitive areas of the parcels. Proposed Lot 2 has a large preplanned building envelope in the open field area and proposed Lot 1 has approximately seven old farm buildings that will be removed and a new building constructed. Mr. Siepmann felt the building envelope on Lot 2 was too restrictive and may create problems in the future if the petitioner wishes to change the use of the property or add another building. Linda Sallmann replied the building envelope is where they wish the house to be located and is not a problem.

After discussion, Mr. Goodchild moved, seconded by Mr. Siepmann and carried unanimously for approval, as conditioned, in accordance with the "Staff Memorandum". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **(Kathy Klawes) Town of Oconomowoc, Section 35**

Mr. Mace presented the "Staff Report and Recommendation" dated July 31, 2008, and made a part of these Minutes. He pointed out the location of the property at N53 W35760 Hill Rd. in the Town of Oconomowoc on the aerial photograph and stated the petitioner is requesting approval for a replacement retaining wall within 5 ft. of the west lot line.

Mr. Robert Harroun, agent for Kathy Klawes, explained the petitioner is only replacing a rotted railroad tie retaining wall. The location will remain the same and as proposed, should not cause any adverse drainage onto the adjacent property. He added there was mention of a deck replacement and wanted to clarify he is replacing rotted deck boards only, the deck is not being rebuilt.

After discussion, Mr. Siepmann moved, seconded by Mrs. Morris and carried unanimously for approval, as conditioned, in accordance with the "Staff Memorandum". The approval of this request, will allow the petitioner a reasonable use of her land and meets the intent and purposes of all County Ordinances.

Meeting temporarily adjourned
Meeting reconvened at 2:00 p.m.

- **ZT-1677 (Text Amendment) Town of Mukwonago**

Mr. Mace presented the “Staff Report and Recommendation” dated July 31, 2008, and made a part of these Minutes. He stated the request is for a Text Amendment to repeal and recreate Section 82-269 of the Town of Mukwonago Zoning Ordinance entitled "Violations", subsection (a) entitled "Penalties", regarding a change to the amount of forfeiture for violations. He explained the existing fee schedule is outdated as it was established many years ago and is very low. The new fee schedule will provide for better enforcement techniques and will be more in line with the County’s fine schedule.

After discussion, Mr. Siepmann moved, seconded by Mr. Goodchild and carried unanimously for approval in accordance with the “Staff Report and Recommendation”.

- **CZ-1673 (Mark and Brenda Johansen) Town of Genesee, Sections 30 and 31 (A-P Agricultural Land Preservation District to the A-2 Rural Home District)**

Mr. Mace presented the “Staff Report and Recommendation” dated July 31, 2008, and made a part of these Minutes. He pointed out the location of the property in the SW ¼ of Section 30 and the NW ¼ of Section 31, Town of Genesee on the aerial photograph.

Mr. Mace stated the rezoning request involves two parcels. The Staff has no concerns regarding the southerly parcel, however the proposed access to the northerly parcel is on the curve of Town Hwy. “GG” and there are some concerns regarding safe site distances. On July 28, a member of the Planning and Zoning Division Staff and the Public Works Staff visited the northern parcel to determine if a safe site distance could be provided for ingress/egress to Town Hwy. “GG” from the parcel. He identified the two old farm access roads that entered the parcel and stated the County Staff determined for safety reasons, that access be limited to the northerly part of the access strip (north fork), which fronts on the highway, and added this as a condition. They also feel that the Town should consider reducing the speed limit to 25 m.p.h. around the subject curve and install a “slow down” sign southwest of the curve for northbound vehicles.

After discussion, Mrs. Morris moved, seconded by Mr. Siepmann and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **CU-1112D (Velocitel, Inc. on behalf of Verizon Wireless) Town of Vernon, Section 17**

Mr. Mace presented the “Staff Report and Recommendation” dated July 31, 2008, and made a part of these Minutes. He pointed out the location of the property at S81 W26220 West National Ave., the Town of Vernon on the aerial photograph and stated the petitioner is requesting approval for the addition of a generator and associated wiring on an existing telecommunications tower.

Mr. Mace stated the tower is located at the Town of Vernon Fire Station and identified the two closest properties, one approximately 453 ft. away and the other, a landscaping business, approximately 414 ft. away. The proposed generator will be made available to other users of the tower to eliminate the need for multiple generators for each carrier. Mrs. Morris questioned how loud the generator would be. Dave Trost, the representative for Verizon addressed several issues. He identified Generac as the maker of the proposed generator and stated Verizon has worked with them to make it as quiet of a unit as possible. It produces a sound reading of 65 decibels at 23 ft., which is about the same amount of noise an idling car would make at 23 ft. It is a very quiet unit. The FCC (Federal Communication Commission) is now requiring that all carriers have at least 8 hours of emergency back up at their sites. Many carriers do this via a battery

backup, however Verizon has made a corporate decision to provide 48 hours of backup. To accomplish this, a generator is needed. Diesel is the standard generator used by Verizon because many of the towers are in rural areas and do not have access to natural gas. A natural gas generator can be installed if the County requires its, however it would take longer to get easements, lay the line, dig the trenches, etc. Mrs. Haukohl questioned how safe the units were. He replied the generator and the diesel tank are one unit and the diesel fuel is in a self-contained tank. Inside the tank that sits below the generator is a back up tank, it is basically a tank within a tank. Any leaks would go into the secondary tank. The generator will be tested one day a week for 8 hours and if there is anything wrong, the sensors will send a message to the network operations center and an emergency technician is dispatched to the site. Mr. Siepmann commented he would prefer a natural gas generator be used instead of diesel; it would be much cleaner and quieter. The Commission agreed it could be a better choice and advised the petitioner to investigate the possibility of using a natural gas generator on this site.

He commented on the co-location requirement. He understands that communities do not want several generators on one site, creating clutter and noise, but the problem from Verizon Wireless's standpoint is not every company that is located at a particular location wants a generator, nor does Verizon know if they have it in their current bill plan. In this instance, the Town suggested Verizon send a letter to the two other tenants on the site (T-Mobile and Cricket) and notify them Verizon Wireless is installing a generator and ask them if they have an interest in having a generator in their plan, and if not, Verizon should proceed with installing their generator. Verizon has composed a letter to the Town of Vernon indicating that if any other tenants of the tower (present or future) submit an application to install a generator, Verizon will work with the tenants, Town and County to find a solution that would benefit all parties. Mr. Kolb asked if the generator that is being proposed is large enough to support the other two tenants? Mr. Trost replied that it is large enough to support Verizon's needs; however, they do not know what the requirements of another carrier are. It makes sense to co-locate on a tower because all the tenants on the tower have full control and responsibility over their own equipment; but it becomes much trickier with a generator. The generator itself is the piece of equipment, and dividing the costs for the generator and the responsibility of maintaining it can become very complicated. It is difficult to predict the needs of the other tenants/carriers. Mr. Siepmann noted that co-location is a Town condition. If Verizon has problems with the requirement, they will have to work it out with the Town.

After discussion, Mr. Siepmann moved, seconded by Mr. Kolb and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **PO-08-VNT-5 (Velocitel, Inc. on behalf of Verizon Wireless) Town of Vernon, Section 17**

Mr. Mace presented the "Staff Report and Recommendation" dated July 31, 2008, and made a part of these Minutes. He stated the petitioner is requesting a Site Plan/Plan of Operation related to the previous CU-1112D.

After discussion, Mr. Siepmann moved, seconded by Mr. Kolb and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **CU-1483 (Tom Rynders and Jane Switalski-Rynders) Town of Ottawa, Section 25**

Mr. Mace presented the “Staff Report and Recommendation” dated July 31, 2008, and made a part of these Minutes. He pointed out the location of the property at W342 S4894 Moraine Hills Dr. in the NE ¼ of Section 25, Town of Ottawa on the aerial photograph and stated the petitioner is requesting approval for earth-altering activities in conjunction with the construction of a pond and berms.

Mr. Mace explained the proposed pond is to be located in a low spot on the petitioners’ property and will be approximately 70 ft. x 130 ft. wide and range in depth from 5 ft. to 14 ft. It is proposed to be filled with private well water. The DNR was consulted regarding the use of a private well to fill a man made pond, and indicated they did not have any objections as long as it was at a rate less than 70 gallons per minute. The average garden hose has a rate of 5 to 6 gallons per minute. Additionally, the Planning and Zoning Division Staff consulted with the engineer at SEWRPC to obtain their perspective and they felt it would not adversely influence the shallow water aquifer in this area. Mrs. Haukohl objected to using well water to fill the pond. She felt it would have an adverse impact on the water table. Several Commission members commented that there is nothing in the Ordinance that prohibits the use of well to fill a pond.

After discussion, Mr. Goodchild moved, seconded by Mrs. Morris and carried with 5 yes votes (Mrs. Haukohl voted no) for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

Mr. Baade said thank you and good-bye to the Commission members as he had asked to retire from the Commission. The Commission thanked him for his years of service and wished him well.

ADJOURNMENT

With no further business to come before the Commission, Mr. Baade moved, seconded by Mr. Goodchild to adjourn at 3:00 p.m.

Respectfully submitted,

Bonnie Morris
Secretary

BM:es